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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,494	01/07/2005	Andreas Finke	5255-37PUS	9782
27799 7590 06/23/2009 COHEN, PONTANI, LIEBERMAN & PAVANE LLP 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176				
EXAMINER STRIMBU, GREGORY J				
ART UNIT		PAPER NUMBER		
3634				
MAIL DATE		DELIVERY MODE		
06/23/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,494

Applicant(s)

FINKE, ANDREAS

Examiner

Gregory J. Strimbu

Art Unit

3634

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/3/09 + 4/3/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10, 14-19 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 14-19 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

The request filed on April 3, 2009 for a Request for Continuing Examination (RCE) under 37 CFR 1.114 is acceptable and an RCE has been established. Any previous finality is hereby withdrawn and a new action on the merits follows. Any newly-submitted claims have been added. An action on the RCE follows.

Drawings

The drawing correction filed June 27, 2007 has been approved.

Claim Rejections - 35 USC § 112

Claims 17, 18 and 25-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "in body portion" on line 14 of claim 10 are grammatically awkward. Recitations such as "the at least one supporting roller" on lines 1-2 of claim 17 render the claims indefinite because they lack antecedent basis. Recitations such as "the each said supporting roller" on lines 1-2 of claim 26 render the claims indefinite because it is unclear to which of the plurality of supporting rollers set forth above the applicant is referring. Recitations such as "said permanent magnets" on line 7 of claim 28 render the claims indefinite because they lack antecedent basis. Recitations such as "said magnetic forces" on line 13 of claim 28 render the claims indefinite because the applicant has set forth only one magnetic force above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 14-19 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kabout (US 5712516) in view of Karita (US 4876765) and Tucker (US 3105272). Kabout discloses a linear drive arrangement for a sliding door, the arrangement comprising:

a guide track 11;

a stator arrangement 15 including coils 18 is fixed with respect to said guide track 11;

a guide carriage (not numbered, but shown attached to the door leaf 1 in figure 2) to which a door leaf 1 of the sliding door is fixed, the guide carriage and the door leaf being movable parallel to the guide track, the guide carriage comprising:

a front end and a rear end,

a pair of opposed sides extending between the front end and the rear end,

a supporting roller 12;

a plurality of permanent magnets 10 fixed to said guide carriage, wherein said permanent magnets and said coils from a holder so that the guide carriage, with the fixed door leaf, is suspended at least partially by a magnetic force between the permanent magnets and the stator arrangement, and wherein the same permanent

magnets and coils form a linear drive for the door leaf so that the guide carriage can be driven along said guide track by said magnetic force.

Kabout is silent concerning a supporting roller which supports the guide carriage on the guide track.

However, Karita discloses a linear drive arrangement for a sliding door comprising supporting two supporting rollers 121 supported at least at times on said guide track, the rollers support a guide carriage 114 on a guide track 105 when said carriage is not fully suspended by said magnetic forces; wherein the rollers 121 are disposed at front and rear ends of the of the guide carriage as shown in figure 4; wherein two supporting rollers 121 are arranged on the same side of the guide carriage as shown in figure 5; wherein at least one of the supporting rollers rolls on the guide track as movement of the guide carriage begins and ends.

It would have been obvious to one of ordinary skill in the art to provide Kabout with a roller arrangement, as taught by Karita, to enable a user to move the door when the linear drive does not have power.

Additionally, Tucker discloses a door system comprising a plurality of rollers 16, each said roller is journaled on a bearing shaft 36 which is received through a bore hole in a guide carriage 32, wherein each said bearing shaft 36 has a first end (not numbered, but shown in figures 3 and 5) on which a respective said roller is journaled eccentrically with respect to the axis of the shaft, wherein each said bearing shaft 36 has a threaded second end (not numbered, but shown in figures 3 and 5) for receiving a fastening nut 37, wherein each said roller is detachable from the bearing shaft.

It would have been obvious to one of ordinary skill in the art to provide Kabout with an adjustment means, as taught by Tucker, to increase the ease with which the position of the door can be adjusted relative to the surrounding frame.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kabout in view of Karita. Kabout discloses a linear drive arrangement for a door leaf 1 of a sliding door, the arrangement comprising:

- a guide track 11; a stator arrangement 15 including coils 18 fixed with respect to said guide track;

- a guide carriage (not numbered, but shown at the top of the door leaf 1 in figure 2) to which the door leaf is fixed, the guide carriage being moveable parallel to the guide track;

- a plurality of magnets 10 fixed to said guide carriage, wherein said permanent magnets and said coils form a holder so that the guide carriage, with the fixed door leaf, is suspended at least partially by a magnetic force between said permanent magnets and said stator arrangement, and wherein the same magnets and coils form a linear drive for the door leaf so that the guide carriage can be driven along said guide track by said magnetic force and

- a support roller 12. Kabout is silent concerning a support roller supporting the guide carriage on said guide track when said carriage is not fully suspended by said magnetic forces.

However, Karita discloses a linear drive arrangement for a door leaf comprising at least one supporting roller 121 supporting a guide carriage 114 on a guide track 105 when said carriage is not fully suspended by said magnetic forces.

It would have been obvious to one of ordinary skill in the art to provide Kabout with a roller arrangement, as taught by Karita, to enable a user to move the door when the linear drive does not have power.

Response to Arguments

Applicant's arguments filed March 3, 2009 have been fully considered but they are not persuasive.

The applicant argues that the combination of Kabout and Karita fails to anticipate the applicant's claimed invention because the structure of Kabout would have to be substantially changed in order to make such a combination. The examiner respectfully disagrees. As shown in figure 5 of Karita, the hangers 111, 112 and 113 extend beyond the sides of the guide track 105 so that the rollers 121 can roll on flanges 108 and 109 of the guide track 105. Thus, one of ordinary skill in the art could simply extend the sides of the guide track 11 of Kabout and provide the guide carriage of Kabout with the hangers and rollers of Karita to obtain the applicant's claimed invention. It should be noted that the extended portions of the guide track 11 of Kabout would not be disposed in resin so that the rollers can roll on the extended portions.

It is suggested the applicant amend the claims to recite the spatial relationship between the coils 7 and the magnets 13, i.e., the magnets 13 are disposed between two rows of coils.

Conclusion

THIS ACTION IS NOT MADE FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/
Primary Examiner, Art Unit 3634